

Appln No. 09/452,043

Amdt date August 2, 2004

Reply to Office action of May 20, 2004

REMARKS/ARGUMENTS

Claims 1-35, 68-103 and 136 are pending in this application. Claims 1, 12, 35, 68, 69, 80, 103 and 136 have been amended. The specification is also amended to correct typographical errors. **The Examiner has not acknowledged receipt of the IDSs that were filed on June 9, 2000 and March 6, 2001. Applicants respectfully request acknowledgment of the above-mentioned IDSs by initialing and returning the attached copies of the same IDSs.**

Claims 1-4, 8-14, 16-22, 25, 26, 28, 31, 32, 35-72, 74, 76-82, 84-90, 93, 94, 96, 99, 100, 103, and 136 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson (6,169,734) in view of Frankel et al (6,075,784). Claims 5, 7, 15, 23, 24, 27, 33, 73, 75, 83, 91, 92, 95, 101 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson, in view of Frankel et al., and further in view of Shankar et al (6,570,869). Claims 29, 30, 34, 97, 98, and 102 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson, in view of Frankel et al., and further in view of Verthein et al (6,487,196). In view of the above amendments and following remarks, applicants respectfully submit that the application is in condition for allowance, therefore, reconsideration and allowance of the application are respectfully requested.

Amended independent claims 1, 12, 35, and 68 include, among other limitations, "a buffer for storing the voice data arriving from the network, wherein if an earlier transmitted voice data arrives after a later transmitted voice data has already been read from the buffer, the earlier transmitted voice data is

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deleted." Amended independent claims 69, 80, 103, and 136 include, among other limitations, "storing the voice data arriving from the network in a buffer; and deleting an earlier transmitted voice data if the earlier transmitted voice data arrives after a later transmitted voice data has already been read for listening from the buffer." Applicants respectfully submit that the cited references, alone or in combination, do not disclose or suggest the recited limitation.

Wilson disclose an Internet phone including standard voice and Internet audio functions using the familiar Plain Old Telephone System platform. "The Internet phone 50 connects to the PSTN via jacks 80 and 82 which provide dual line access to the PSTN via outlets 84." (Col. 4, lines 43-45). Wilson does not teach nor does it suggest the above-recited limitations.

Frankel discloses a system and method of communicating voice and data via a local packet network (LPN). A remote digital terminal (RDT) is provided at a customer site to interface a plurality of telephone devices and/or data devices with the LPN. A host digital terminal (HDT) is provided at a control site within or connected to the LPN that coordinates the communication of voice calls between the RDT and a public switched telephone network (PSTN) switch via the LPN and that coordinates the communication of data between the RDT and a data network within or without the LPN. (See Abstract and Summary of the Invention).

A "microprocessor 210 [in the host digital terminal] may be programmed to limit data traffic to the customer site from the LPN such that a predetermined portion of the total bandwidth

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available to the customer site on the local loop link used by that RDT 100 remains available for voice traffic. Furthermore, the microprocessor 210 may be programmed to generate a message to be sent to a data switch 62 in the LPN 60 indicating the amount of bandwidth available for data so that the data switches 62 in the LPN 60 can abide by this rule in transmitting (or not transmitting) data traffic to the HDT 200 destined for a particular RDT 100 at a particular customer site." (Col. 13, lines 6-19, emphasis added).

There is no teaching or suggestion in Frankel for "if an earlier transmitted voice data arrives after a later transmitted voice data has already been read from the buffer, the earlier transmitted voice data is deleted," or "deleting an earlier transmitted voice data if the earlier transmitted voice data arrives after a later transmitted voice data has already been read for listening from the buffer," as recited by the amended independent claims 1, 12, 35, 68, and 69, 80, 103, 136, respectively.

In short, the independent claims 1, 12, 35, 68, 69, 80, 103, and 136 define a novel and unobvious invention over the cited references. Thus, these claims are allowable over the cited references. Dependent claims 2-11, 13-34, 70-79, and 81-102 are dependent from independent claims 1, 12, 69, and 80, respectively and include all the limitations of their respective independent claims and additional limitations therein. Accordingly, these claims are also allowable over the cited references, as being dependent from allowable independent claims and for the additional limitations they include therein.

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In view of the foregoing amendments and remarks, it is respectfully submitted that this application is now in condition for allowance, and accordingly, reexamination and allowance are respectfully requested.

Respectfully submitted,
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